

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 TREEHOUSE AVATAR LLC,

11 Plaintiff,

12 v.

13 VALVE CORPORATION,

14 Defendant.

15 CASE NO. C17-1860-RAJ

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**ORDER STRIKING TRIAL
DATE**

This matter is before the Court on Defendant Valve Corporation's motion to vacate and reset the order setting trial date and related dates. Dkt. # 164. Plaintiff opposes the motion. Dkt. # 166. Having reviewed the motion and the remainder of the record, the Court **GRANTS** the motion in part.

Once a district court files a pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16, "that rule's standards control[]." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-608 (9th Cir. 1992). As Rule 16(b)(4) explains: "A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). To show "good cause" a party must show that they could not meet the deadline imposed by the scheduling order despite its diligence. *Johnson*, at 609. While a court may consider the "existence or degree of prejudice" to the opposing party, the focus of the

1 court's inquiry is upon the moving party's explanation for failure to timely move for
2 leave to amend. *Id.*

3 On March 17, 2020, the United States District Court for the Western District of
4 Washington issued General Order No. 02-20 to address identified and anticipated impacts
5 arising from a community outbreak of Coronavirus Disease 2019 (COVID-19). Citing
6 guidance issued by public health officials, and documented risks to public gatherings and
7 travel, the Order continued all in-person hearings and trials scheduled prior to June 1,
8 2020, pending further order of the Court. On April 9, 2020, Defendant filed a motion to
9 vacate the current trial date and all remaining case schedule deadlines. Defendant
10 proposes resetting the case schedule once the Western District of Washington courthouse
11 reopens. Dkt. # 164 at 6. On May 13, 2020, the Court issued General Order No. 08-20,
12 which extended the aforementioned closures and trial continuances through July 31,
13 2020.

14 The Court anticipates a significant backlog of both criminal and civil cases when
15 the courthouse reopens, and criminal matters will take precedence. Accordingly, the
16 Court finds good cause to **STRIKE** the current trial date. However, the Court will not
17 vacate the case schedule as proposed by Defendant. Instead, the parties are ordered to
18 meet and confer and propose a revised case schedule, **within ten days of the date of this
Order**, extending the remaining pretrial deadlines.

19 Dated this 29th day of May, 2020.

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28 The Honorable Richard A. Jones
United States District Judge